

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment, to address typographical issues, was given in a telephone interview with Robert Traver on 5/19/11.

The application has been amended as follows:

Claim 88) A method to select a lung cancer patient who is predicted to benefit from therapeutic administration ~~of from therapeutic administration~~ of an EGFR inhibitor selected from the group consisting of gefitinib and erlotinib comprising:

a) detecting the level of E-cadherin polynucleotides in a sample of tumor cells from said patient;

b) comparing said level to a level of E-cadherin polynucleotides in a sample of tumor cells from a subject having lung cancer that is resistant to gefitinib; and,

c) selecting the patient as being predicted to benefit from therapeutic administration of an EGFR inhibitor, selected from the group consisting of gefitinib and erlotinib, if the level of E-cadherin polynucleotides in the sample of tumor cells from said patient is higher than the level of E-cadherin polynucleotides in the sample of tumor cells from the subject that is resistant to gefitinib.

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Claim 89) The method of ~~Claim 82~~ Claim 88, comprising detecting expression of the E-cadherin polynucleotide represented by SEQ ID NO:3.

Claim 90) The method of ~~Claim 82~~ Claim 88, wherein the EGFR inhibitor is gefitinib.

Claim 91) The method of ~~Claim 82~~ Claim 88, wherein the EGFR inhibitor is erlotinib.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN AEDER whose telephone number is (571)272-8787. The examiner can normally be reached on M-F: 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Misook Yu can be reached on 571-272-0839. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sean E Aeder/
Primary Examiner, Art Unit 1642